



Paints

US EPA RECORDS CENTER REGION 5



Robert R. Kovalak
Manager - Environmental Claims & Remediation
(216) 344-8282

The Glidden Company

925 Euclid Avenue
Cleveland
Ohio 44115 U S A
Telephone (216) 344-8000
Telex 196102 GLIDDEN CLV
Fax (216) 344-8900

April 6, 2001

APR 09 2001

VIA FEDERAL EXPRESS

Ms. Deena Sheppard-Johnson
U.S. Environmental Protection Agency
Remedial Enforcement Support Section, SR-6J
77 West Jackson Boulevard
Chicago, Illinois 60604

Re: CERCLA 104(e) Request for Information
Chemical recovery Systems Site in Elyria, Ohio

Dear Ms. Sheppard-Johnson,

The Glidden Company ("Glidden") encloses herewith its response to U.S. Environmental Protection Agency's Section 104(e) Information Request regarding alleged activities at the Chemical Recovery Systems Site located at 142 Locust Street in Elyria, Ohio. Glidden has completed its investigation into the possible shipment(s) of materials to the Chemical Recovery Systems site. The results of the investigation are summarized below and attached hereto. To the extent that "new or different" information becomes available, Glidden retains the right to update or supplement this response at a subsequent date.

In developing this response, Glidden has conducted a review for potentially relevant documents and has questioned individuals who could possibly have knowledge of any transactions involving Glidden's former Madison Avenue (Cleveland, OH) facility and Solvent Recovery Systems, Inc. Given that the information request relates to the release or threatened release of hazardous substances at 142 Locust Street in Elyria, Ohio, our response is directed to any arrangements Glidden may have made concerning the possible shipment(s) of containers to that site, including any contact they may have had with individuals who represented themselves as employees of Chemical Recovery Systems, Inc.

To date, Glidden has been unable to locate any documents (*e.g., correspondence, invoices, receipts, bills of lading, contracts, etc.*) which would indicate that any such transactions had

Ms. Deena Shepard-Johnson
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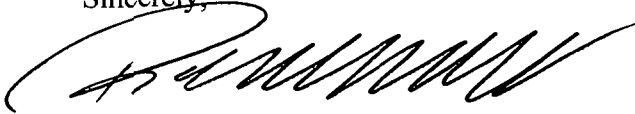
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occurred between Glidden's former Madison Avenue facility and Chemical Recovery Systems, Inc. or any individuals listed in the 104(e) request. As such, there remains some degree of uncertainty as to whether or not a business relationship existed between Glidden and Chemical Recovery Systems, Inc.

Glidden's policy has been, and will continue to be, to cooperate with government agencies in CERCLA matters where there is a substantial possibility of Glidden's involvement. Indeed, Glidden has contributed to numerous CERCLA matters notwithstanding doubt as to Glidden's actual involvement at those sites. Glidden has reviewed a number of documents which have already been provided to Glidden by Thomas Nash, Assistant Regional Counsel. To the extent that the U.S. Environmental Protection Agency, Region V has any additional information or documentation which demonstrates that Glidden was involved and/or made arrangements for the shipment of containers to the Elyria, OH site, pursuant to the Freedom of Information Act, Title 5, U.S.C.A., No. 555, we request that you provide us with copies of that information.

I trust the information contained herein adequately responds to the Agency's request for information. Should questions arise in this regard, or if additional information is required, please do not hesitate to contact me at (216) 344-8282.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Kovalak', with a large, sweeping flourish at the end.

Robert R. Kovalak, Manager
Environmental Claims and Remediation

Attachment 2 –QUESTIONS

- 1. Identify all persons consulted in the preparation of the answers to these questions.**

Robert R. Kovalak, Manager
Environmental Claims & Remediation
The Glidden Company
925 Euclid Avenue, Suite 900
Cleveland, OH 44115

- 2. Identify all documents consulted, examined, or referred to in the preparation of the answers to these questions and provide copies of all such documents.**

Although The Glidden Company has conducted a search for relevant documents, the only documents which were reviewed consisted of those documents which were provided to Glidden by the U.S. Environmental Protection Agency in connection with follow-up discussions regarding this 104(e) information request.

- 3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question or who may be able to provide additional responsive documents, identify such persons.**

The Glidden Company does not possess any information which is responsive to this request.

- 4. List the EPA Identification Numbers of the Respondent.**

Although information provided to Glidden by the U.S. Environmental Protection Agency suggests that there could be a nexus to the Site, that information suggests a 51st Street location which is not known by Glidden to be the location of any former Glidden operations. As such, Glidden has no information which is responsive to this request.

Glidden did, however, operate a facility at the intersection of West 117th Street and Madison Avenue during a portion of the relevant time period. This facility is located a significant distance away from West 51st Street and is not believed to be the facility referred to in the witness interviews. This facility was closed in 1976 and therefore would not have an EPA Identification Number.

- 5. Identify the acts or omissions of any person, other than your employees, contractors, or agents, that may have caused the release or threat of release of hazardous substances, pollutants, or contaminants and damages resulting therefrom at the CRS Site.**

The Glidden Company does not possess any information which is responsive to this request.

6. **Identify all persons including respondent's employees, who have knowledge or information about the generation, use, treatment, storage, disposal, or other handling of material at or transportation of materials to the Site (operating as Obitts Chemical Company or Chemical Recovery Systems, Inc., at 142 Locust Street, Elyria, Ohio).**

The Glidden Company does not possess any information which is responsive to this request.

7. **Describe all arrangements that Respondent may have or may have had with each of the following companies and persons:**

The Glidden Company is unaware of any arrangements between itself and any of the following companies and/or entities.

- a) **Obitts Chemical Company**
- b) **Russell Obitts**
- c) **Chemical Recovery Systems, Inc.**
- d) **Peter Shagena**
- e) **James Freeman**
- f) **James "Jim" Jackson**
- g) **Donald Matthews**
- h) **Bob Spears**
- i) **Bill Bromley**
- j) **Carol Oliver**
- k) **Nolwood Chemical Company, Inc.**
- l) **Art McWood**
- m) **Chuck Nolton**
- n) **Michigan Recovery System, Inc.**
- o) **Chemical Recovery Systems of Michigan**

8. **Set forth the dates during which the Respondent engaged in any of the following activities:**

- a) **generation of hazardous materials which were sent to the CRS Site;**

The Glidden Company does not possess any information which is responsive to this request.

- b) **transportation of any material to the CRS Site.**

The Glidden Company does not possess any information which is responsive to this request.

9. **Identify all persons, including yourself, who may have arranged for disposal or treatment, or arranged for transportation for disposal or treatment, of materials, including, but not limited to, hazardous substances, at the CRS Site, In addition, identify the following:**

- a) **The persons with whom you or such other persons made such arrangements;**

The Glidden Company does not possess any information which is responsive to this request.

- b) **Every date on which such arrangements took place;**

The Glidden Company does not possess any information which is responsive to this request.

- c) **For each transaction, the nature of the material or hazardous substance, including the chemical content, characteristics, physical state (e.g., solid, liquid), and the process for which the substance was used or the process which generated the substance;**

The Glidden Company does not possess any information which is responsive to this request.

- d) **The owner of the materials or hazardous substances so accepted or transported;**

The Glidden Company does not possess any information which is responsive to this request.

- e) **The quantity of the materials or hazardous substances involved (weight or volume) in each transaction and the total quantity for all transactions;**

The Glidden Company does not possess any information which is responsive to this request.

- f) **All tests, analyses, and analytical results concerning the materials;**

The Glidden Company does not possess any information which is responsive to this request.

- g) The person(s) who selected the CRS Site as the place to which the materials or hazardous substances were to be transported;**

The Glidden Company does not possess any information which is responsive to this request.

- h) The amount paid in connection with each transaction, the method of payment, and the identity of the person from whom. payment was received;**

The Glidden Company does not possess any information which is responsive to this request.

- i) Where the person identified in g., above, intended to have such hazardous substances or materials transported and all evidence of this intent;**

The Glidden Company does not possess any information which is responsive to this request.

- j) Whether the materials or hazardous substances involved in each transaction were transshipped through, or were stored or held at, any intermediate site prior to final treatment or disposal;**

The Glidden Company does not possess any information which is responsive to this request.

- k) What was actually done to the materials or hazardous substances once they were brought to the CRS site;**

The Glidden Company does not possess any information which is responsive to this request.

- l) The final disposition of each of the materials or hazardous substances involved in such transactions;**

The Glidden Company does not possess any information which is responsive to this request.

- m) The measures taken by you to determine the actual methods, means, and site of treatment or disposal of the material and hazardous substance involved in each transaction;**

The Glidden Company does not possess any information which is responsive to this request.

- n) **The type and number of containers in which the materials or hazardous substances were contained when they were accepted for transport, and subsequently until they were deposited at the CRS Site, and all markings on such containers'**

The Glidden Company does not possess any information which is responsive to this request.

- o) **The price paid for (i) transport, (ii) disposal, or (iii) both of each material and hazardous substance;**

The Glidden Company does not possess any information which is responsive to this request.

- p) **All documents containing information responsive to a - o above, or in lieu of identification of all relevant documents, provide copies of all such documents;**

The Glidden Company does not possess any information which is responsive to this request.

- q) **All persons with knowledge, information, documents responsive to a - p above.**

The Glidden Company does not possess any information which is responsive to this request.

10. **Identify all liability insurance policies held by Respondent from 1960 to the present. In identifying such policies, state the name and address of each insurer and of the insured, the amount of coverage under each policy, the commencement and expiration dates for each policy, whether or not the policy contains a "pollution exclusion" clause, and whether the policy covers or excludes sudden, non-sudden, or both types of accidents. In lieu of providing this information, you may submit complete copies of all relevant insurance policies.**

The Glidden Company does not currently possess any insurance policies which would be capable of providing coverage for this Site. Policies which may have been issued to The Glidden Company subsequent to its incorporation in 1986 have all included a "pollution exclusion" clause which would prevent any such coverage.

11. **Provide copies of all income tax returns, including all supporting schedules, sent to the Federal Internal Revenue Service in the last five years.**

Glidden objects to this request based upon the fact that it would be unduly burdensome to collect this information, and that Glidden does not believe that this information will lead to the discovery of any information which could be used to establish Glidden's liability at this Site.

12. If Respondent is a Corporation, respond to the following requests:

- a) Provide a copy of the Articles of Incorporation and By-Laws of the Respondent.**
- b) Provide Respondent's financial statements for the past five fiscal years, including, but not limited to, those filed with the Internal Revenue Service and Securities and Exchange Commission.**
- c) Identify all of Respondent's current assets and liabilities and the person(s) who currently own(s) or is (are) responsible for such assets and liabilities.**
- d) Identify the Parent Corporation and all Subsidiaries of the Respondent.**

Enclosed herewith is a copy of the Certificate of Incorporation of Atkemix Eight, Inc., and a Certificate of Amendment of Certificate of Incorporation of Atkemix Eight, Inc. changing its name to The Glidden Company, a Delaware corporation. Also see Glidden's objection to Response No. 11, above.

13. If Respondent is a Partnership, respond to the following requests:

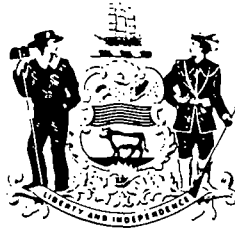
Not Applicable.

- a) Provide copies of the Partnership Agreement;**
- b) Provide Respondent's financial statements for the past five fiscal years, including, but not limited to, those filed with the Internal Revenue Service and Securities and Exchange Commission;**
- c) Identify all of Respondent's current assets and liabilities and the person(s) who currently own(s) or is (are) responsible for such assets and liabilities. d) Identify all subsidiaries of the Respondent.**

14. If Respondent is a Trust, respond to the following requests:

Not Applicable.

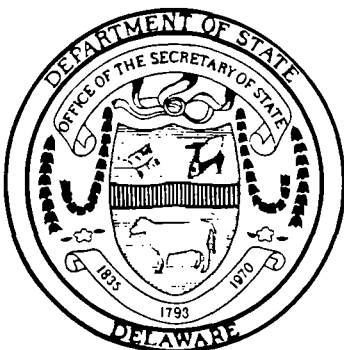
- a) Provide all relevant agreements and documents to support this claim.**
- b) Provide Respondent's financial statements for the past five fiscal years, including, but not limited to, those filed with the Internal Revenue service and Securities and Exchange Commission.**
- c) Identify all of Respondent's current assets and liabilities and the person(s) who currently own(s) or is (are) responsible for such assets and liabilities.**



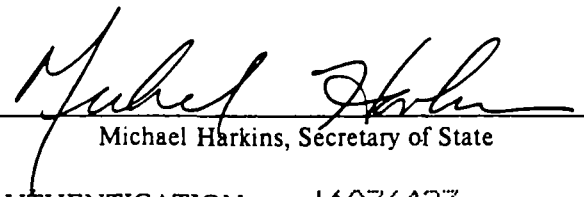
Office of Secretary of State

I, MICHAEL HARKINS, SECRETARY OF STATE OF THE STATE OF DELAWARE DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF ATKEMIX EIGHT INC. FILED IN THIS OFFICE ON THE THIRTIETH DAY OF DECEMBER, A.D. 1986, AT 9:01 O'CLOCK A.M.

1 1 1 1 1 1 1 1 1 1



866364224


Michael Harkins, Secretary of State

AUTHENTICATION: 11076423

DATE: 01/12/1987

CERTIFICATE OF AMENDMENT
of
CERTIFICATE OF INCORPORATION
of
ATKEMIX EIGHT INC.

Adopted in accordance with the provisions
of Section 242 of the General Corporation
Law of the State of Delaware

We, J. L. Kemmerer, President, and B. W. Bowman, Secretary, of
Atkemix Eight Inc., a corporation existing under the laws of the
State of Delaware, do hereby certify as follows:

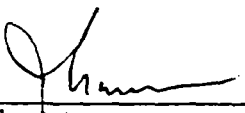
FIRST: That the Certificate of Incorporation of said
corporation has been amended as follows:

By striking out the whole of Article First
thereof as it now exists and inserting in lieu and
instead thereof a new Article First, reading as
follows:

The name of the Corporation is The Glidden Company.

SECOND: That such amendment has been duly adopted in
accordance with the provisions of the General Corporation
Law of the State of Delaware by the unanimous written
consent of all of the stockholders entitled to vote in
accordance with the provisions of Section 228 of the
General Corporation Law of the State of Delaware.

IN WITNESS WHEREOF, we have signed this certificate this
nineteenth day of December, 1986.



President

ATTEST: 

Secretary

CERTIFICATE OF INCORPORATION

OF

ATKEMIX EIGHT INC.

- - - - -

I THE UNDERSIGNED, in order to form a corporation for the purposes hereinafter stated, under and pursuant to the provisions of the General Corporation Law of the State of Delaware, do hereby certify as follows:

FIRST: The name of the corporation is

ATKEMIX EIGHT INC.

SECOND: Its registered office is to be located at Concord Pike and New Murphy Road, in the City of Wilmington, County of New Castle, in the State of Delaware. The name of its registered agent at that address is the ICI Americas Inc.

THIRD: The purpose of the corporation is to engage in any lawful act or activity for which corporations may be organized under the General Corporation Law of Delaware.

FOURTH: The total number of shares of stock which the corporation is authorized to issue is one thousand (1,000) shares, and the par value of each of such shares is one dollar (\$1.00).

FIFTH: The name and address of the single incorporator are

Maureen Hennelly

70 Pine Street, New York, N.Y. 10270

SIXTH: The By-Laws of the corporation may be made, altered, amended, changed, added to or repealed by the Board of Directors without the assent or vote of the stockholders. Elections of directors need not be by ballot unless the By-Laws so provide.

SEVENTH: The corporation shall, to the full extent permitted by Section 145 of the Delaware General Corporation Law, as amended from time to time, indemnify all persons whom it may indemnify pursuant thereto.

EIGHTH: The corporation reserves the right to amend, alter, change or repeal any provision contained in this certificate in the manner now or hereafter prescribed by law, and all rights and powers conferred herein on stockholders, directors and officers are subject to this reserved power.

IN WITNESS WHEREOF, I have hereunto set my hand and seal, the 8th day of November, 1985.

MAUREEN HENNELLY (L.S.)
Maureen Hennelly

DATE FILED 11/12/85

Office of the Secretary of State

I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF
DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT
COPY OF THE CERTIFICATE OF INCORPORATION OF "ATKEMIX EIGHT
INC.", FILED IN THIS OFFICE ON THE FOURTEENTH DAY OF NOVEMBER,
A.D. 1985, AT 9 O'CLOCK A.M.



A handwritten signature in cursive script, reading "Edward J. Freel".

Edward J. Freel, Secretary of State

2075766 8100

AUTHENTICATION: 0723422

001508222

DATE: 10-09-00

8503170066
CERTIFICATE OF INCORPORATION

OF
ATKEMIX EIGHT INC.

FILED

NOV 14 1985

Michael P. Hadden
SECRETARY OF STATE

I THE UNDERSIGNED, in order to form a corporation for the purposes hereinafter stated, under and pursuant to the provisions of the General Corporation Law of the State of Delaware, do hereby certify as follows:

FIRST: The name of the corporation is
ATKEMIX EIGHT, INC.

SECOND: Its registered office is to be located at Concord Pike and New Murphy Road, in the City of Wilmington, County of New Castle, in the State of Delaware. The name of its registered agent at that address is the ICI Americas Inc.

THIRD: The purpose of the corporation is to engage in any lawful act or activity for which corporations may be organized under the General Corporation Law of Delaware.

FOURTH: The total number of shares of stock which the corporation is authorized to issue is one thousand (1,000) shares, and the par value of each of such shares is one dollar (\$1.00).

FIFTH: The name and address of the single incorporator are

Maureen Hennelly

70 Pine Street, New York, N.Y. 10270

SIXTH: The By-Laws of the corporation may be made, altered, amended, changed, added to or repealed by the Board of Directors without the assent or vote of the stockholders. Elections of directors need not be by ballot unless the By-Laws so provide.

SEVENTH: The corporation shall, to the full extent permitted by Section 145 of the Delaware General Corporation Law, as amended from time to time, indemnify all persons whom it may indemnify pursuant thereto.

EIGHTH: The corporation reserves the right to amend, alter, change or repeal any provision contained in this certificate in the manner now or hereafter prescribed by law, and all rights and powers conferred herein on stockholders, directors and officers are subject to this reserved power.

IN WITNESS WHEREOF, I have hereunto set my hand and seal, the 8th day of November, 1985.

Maureen Hennelly (L.S.)
Maureen Hennelly

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US ENVIRONMENTAL PROTECTION AGENCY
77 WEST JACKSON BLVD. SR-6J

CHICAGO

IL 60604

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REF: 1100-75-050 R. KOVALAK

****2DAY****

TUE

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